

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MONTGOMERY COUNTY, OHIO,

Plaintiff,	:	Case No. 3:22-cv-272
		(Mont. Cty. Case No. 2020 CR
- vs -		1992)
LARRY NALLS,		District Judge Thomas M. Rose
		Magistrate Judge Michael R. Merz
Defendant.	:	

ORDER STRIKING MOTION TO COMPEL

This case is an attempted removal from the Montgomery Country Court of Common Pleas of Court of Montgomery County, Ohio, of a criminal prosecution of Larry Nalls. The case is before the Court on Nalls' Motion to Compel Obtaining and Use [of] Control Number; and Mail Documents to Plaintiff (ECF No. 15).

Fed.R.Civ.P. 11 (a) provides:

Signature. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.

Because Plaintiff is unrepresented, he must sign court filings personally. The instant Motion is not signed. Instead, there appears after the text of the Motion, the text of the Memorandum in Support, and the text of the Certificate of Service the following: “/s/ Larry Nalls.”

S. D. Ohio Civ. R. 83.5 (c) provides

(c) **Electronic Signature.** The actual signature of a Filing User shall be represented, for ECF purposes, by “s/” followed by the typed name of the attorney or other Filing User. Signature in such a manner is equivalent to a hand-signed signature for all purposes, including Fed. R. Civ. P. 11 or any other rule or statute.

Plaintiff is not an electronic filing user and has never been granted permission to file electronically in this case. The Clerk has advised the Magistrate Judge that this Motion was filed by hand across the counter in the Clerk’s Office. The /s/ with typed name does not fulfill the function of a hand signature of authenticating the person responsible for the filing.

Accordingly, as required by Fed.R.Civ.P. 11, the Motion is STRICKEN.

February 24, 2023.

s/ *Michael R. Merz*
United States Magistrate Judge